

November 20, 2013

The Honorable Ronald L. Ellis
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Rank Group Limited v. Alcoa Inc., No. 12-CV-3769 (GBD) (MHD)

Dear Judge Ellis:

We are writing jointly on behalf of both parties in the above-referenced action to provide a brief summary of the status of the case in advance of the conference Your Honor has scheduled on December 3, 2013. We are filing this letter electronically but are submitting the enclosures by hand (with another copy of this transmittal letter) because they include documents that are subject to claims of privilege and thus should not be included in the public court file.

Discovery began after the motion to dismiss was denied in August 2012. Fact discovery was scheduled to conclude by mid-September 2013, but in late July a dispute developed concerning certain privilege issues. The parties set forth their respective positions concerning the dispute in letters to Judge Daniels, who at that point had not delegated any matters to a magistrate judge, dated August 26, 2013 (Alcoa) and September 3, 2013 (Rank), copies of which are enclosed for your convenience. Judge Daniels thereafter referred the privilege dispute and other pretrial matters to Magistrate Judge Dolinger, who set a conference for October 22, but prior to that date his chambers informed counsel that he was recusing himself, so the privilege dispute remains undecided.

Please let us know if Your Honor would like any further submissions prior to the conference. The parties recently informed Judge Daniels that the case cannot proceed further without a resolution of the privilege dispute, and Judge Daniels has rescheduled the next status conference with him on January 30, 2014. The parties have told Judge Daniels that, upon resolution of that dispute, we will promptly confer and submit a proposed amended Case Management Plan for the Court's approval.

Respectfully yours,

/s/ Gary W. Kubek
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Attorneys for Plaintiff Rank
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/s/ Andrew R. Stanton
Andrew R. Stanton
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